

DEVELOPMENT CONDITIONS

SE 2009-BR-020

July 20, 2011

The Board of Supervisors approved SE 2009-BR-020 located at 9800 Commonwealth Blvd., Tax Map 69-3 ((5)) B, to permit the construction of a telecommunication facility (tree-style monopole) and associated equipment, requiring conformance with the following development conditions which supersede all previous conditions for the subject property:

1. This Special Exception is granted for and runs with the land indicated in this application and Special Exception Plat and is not transferable to other land.
2. This Special Exception is granted only for the purpose, structures and uses indicated on the Special Exception Plat approved with this application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit SHALL BE POSTED at the pool house on the property and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Exception is subject to the provisions of Article 17. Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Commonwealth Swim Club", prepared by Entrex Communication Services, Inc. consisting of eight sheets dated September 18, 2007, last amended May 20, 2011, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Sect. 9-004 of the Zoning Ordinance.
5. The tree-style monopole shall be in substantial conformance with the elevations in the SE Plat and shall be limited to a maximum height of 120 feet (inclusive of all appurtenances).
6. A formal landscape plan in substantial conformance with Sheet Z-6 shall be submitted as part of the site plan review process to be reviewed and approved by the Urban Forestry Management Division (UFMD) to ensure that adequate screening to adjacent residences is provided. Trees along the existing entrance drive off of Walport Lane and to the rear of the houses along Commonwealth Blvd. shall be re-evaluated by UFMD. A tree assessment to determine the quality and condition of the existing trees shall be done. Trees which are found to be in poor condition shall be removed and replaced to the satisfaction of UFMD prior to the issuance of the Non-RUP for the pole.
7. The pole of the monopole from the ground to a height of 25 feet should imitate natural tree bark as closely as possible in texture and color (brown). The antennas, mounts and exposed cables shall be painted to match the color of the proposed artificial green pine needles as indicated on the SE plat.

8. The monopole and all associated equipment shelters/cabinets shall be enclosed by an eight-foot high solid board-on-board fence as shown on the SE Plat. The telecommunications compound may include equipment shelters, cabinets, electrical panels, telephone panels and other improvements necessary and/or required for the operation of the telecommunication facility. Equipment shelter/cabinets shall have a maximum height of seven and a half feet and shall be located within the 773.5 square foot fenced equipment compound as generally shown on the SE Plat. Equipment shelter/cabinets shall not be visible from outside the fence.
9. The number of antennas shall be limited to a total of 33, to be located on three elevations, as depicted on the SE plat. All antenna platforms and antennas shall be located within the branch structures of the tree-style monopole.
10. The tree-style monopole shall not be lighted or illuminated unless required by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), or the County. A steady marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the State or local Police Department that such marker light is not necessary for the flight safety of police and emergency helicopters.
11. The project shall conform to National Electric and Safety Code Standards and the regulations of the Federal Communications Commission with respect to electromagnetic radiation.
12. The tree-style monopole and accessory facility may be subject to periodic inspections by DPWES. If any additions, changes or modifications are to be made to the monopole or its related facilities, the Director of DPWES shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change or modification conforms to all structural and all other requirements of the Virginia Uniform Statewide Building Code. In the event that the results of any monitoring indicate alterations or damage exists to the approved equipment or structures in excess of the extent deemed acceptable by applicable codes and standards, immediate action shall be taken as deemed necessary and as approved by DPWES and DIT, to comply with the applicable codes and agreements.
13. An approved RPA Delineation Study, Water Quality Impact Assessment, and Flood Plain Study shall be required to be approved by DPWES before site plan approval.
14. Space on the tree-style monopole and within the equipment compound shall be made available for lease for telecommunications purposes to other telecommunications operators, including but not limited to Fairfax County, subject to reasonable industry standard lease terms and fair market rent.
15. There shall be no storage of materials, equipment, or vehicles outside the telecommunications facility compound.
16. No signs shall be permitted on the subject property for the advertisement of the telecommunications facility or any other use. Only identification signs shall be permitted in accordance with Article 12 of the Zoning Ordinance.
17. Any component(s) of the telecommunications facility shall be removed within 120 days after such component(s) are no longer in use by the operator/owner of the monopole.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

The approval of this Special Exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, 30 months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.